

From: pdestefa@mouse@inetgw
To: Microsoft ATR
Date: 1/24/02 2:19am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
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Washington, DC 20530-0001

Dear Renata Hesse,

I am responding to the call for comments on the revised proposed Final Judgment. I respectfully submit that the proposed settlement is inadequate. Please allow me to elaborate on one of the many flaws of this proposal.

One of the core inadequacies of the proposed settlement is the weakness of provisions J.1 and J.2, which provide Microsoft with opportunities to withhold information concerning interoperability from parties with legitimate rights obtain it. This is a serious oversight considering the Findings of Fact, which demonstrate that Microsoft has used interoperability of products as a weapon against it's competitors.

This weakness is also particularly egregious because this type of information--referred to as "interoperability data" sometimes--is a major part of what has made personal computing and the Internet such important influences. When this "interoperability data" is published (and overseen by diverse committees or independent organizations) it is called a standard. Standards are essential to the state of computing technology. The Internet could not exist without them. They are a foundation for further competition in computing technology. More importantly, they make possible rapid innovation in surrounding technologies.

In view of this error, I strongly urge you to revise the proposed judgment. A settlement that is congruous to the Findings of Fact must not allow the defendant to exert this type of pressure on the computer industry, again.

This flaw, and many others, are explained in greater detail at this Universal Resource Locator: <http://www.kegel.com/remedy/>

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Thank you,
Paul DeStefano
Portland, Oregon

